



**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
MAY 17, 2021**

A virtual meeting of the City of Zoning Board of Adjustment was conducted by electronic means on Monday, May 17, 2021 as permitted during this State of Emergency due to the COVID 19 pandemic.

Chairman Urban called the meeting to order at 6:07 p.m. Secretary Lombari called the roll. Present at the meeting were Chairman Urban, Commissioners Adams, Lombari, Pineiro, DeRos, DiLullo, Gamal, Sisk-Galvin and Blake.

Also present were Richard Campisano, Esq., Board Counsel, Robert Russo, PE, City Engineer, Malvika Apte, PP, consulting City Planner, Alicia Losonczy, Zoning Board of Adjustment Secretary.

After the Pledge of Allegiance to the Flag, Chairman Urban declared a quorum and advised that the Board had complied with the Open Public Meetings Act/Sunshine Law.

Adoption of Minutes:

Chairman Urban called for the adoption of the minutes from the April 19, 2021 regular meeting.

Commissioner Pineiro made the motion to adopt the minutes and Commissioner DeRos seconded the motion. A unanimous vote of eligible members followed.

- ❖ *Commissioner Gamal recused himself from this application due to a conflict of interest with the next public hearing.*

Public Hearing #1:

Z-20-006 – US MASTERS RESIDENTIAL PROPERTY FUND (USA) – Site: 126 West 16th Street in City Block 244, Lot 26 *[The applicant is seeking preliminary and final major site plan approval, use and bulk variance relief to renovate and restore an existing nonconforming third floor apartment.]*

Michael Miceli, Esq., attorney for the applicant, gave an overview of the application, offered her exhibits into evidence and called his first witness.

Witness:

Matthew Schapper, AIA, was sworn to provide expert testimony in support of the application and summarized the proposed project.

Board questions:

Chairman Urban and Commissioner DeRos questioned Mr. Schapper. Mr. Russo brought up that a neighboring resident had a concern with the trash being in close proximity to where he and his family congregate. Commissioner DiLullo and Ms. Apte questioned Mr. Schapper.

Audience questions:

A resident, Anthony Menafo, who resides at 122-124 West 16th Street, questioned Mr. Schapper.

Witness #2:

John McDonough, PP, was sworn to provide expert testimony in support of the application. He testified that the property is located in the R-2 Zone and described the relief being requested.

Board questions:

Commissioner Adams questioned Mr. Schapper regarding the affidavit that was mentioned in the Zoning Officer's letter. Ms. Apte questioned Mr. McDonough.

Audience questions:

Anthony Menafo questioned Mr. McDonough.

Closing remarks:

Mr. Miceli said that he would rely on the testimony given and respectfully requested the Board approve this application.

Caucus:

Chairman Urban said that he felt it has been established that this property has been a three-family and should continue as such. Commissioner Lombardi requested that it be made a condition of approval to have a separate water and gas meter. Commissioner Adams and DiLullo

Motion:

Commissioner Adams made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro seconded the motion.

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Mark Urban	[X]	[]	[]	[]	[]
Clifford Adams	[X]	[]	[]	[]	[]
Louis Lombardi	[X]	[]	[]	[]	[]
Nicholas DiLullo	[]	[X]	[]	[]	[]
Arrigo DeRos, Jr.	[]	[X]	[]	[]	[]
Joseph Pineiro	[X]	[]	[]	[]	[]
Ehab Gamal	[]	[]	[X]	[]	[]
Cindi Sisk-Galvin	[]	[X]	[]	[]	[]
Ryan Blake	[]	[X]	[]	[]	[]

***A short break was taken at 7:19 p.m. and the meeting resumed at 7:31 p.m.
The roll was called.***

- ❖ *Commissioner Gamal recused himself from this application due to a conflict of interest with the next public hearing.*

Public Hearing #2:

Z-20-009 – VITO SPANO – Site: 16 West 49th Street in City Block 64, Lot 33 *[The applicant is requesting preliminary and final major site plan approval as well as use variance relief to place a sign/awning manufacturing garage on a portion of the property.]*

Paul N. Weeks, Esq., attorney for the applicant, gave an overview of the application, offered her exhibits into evidence and called his first witness.

Witness #1:

Herminio Mendoza, owner of the sign and awning company was sworn to provide expert testimony in support of the application. He testified that he is the owner of the business and has been in business for ten years in Jersey City. He creates banners, signs, awnings and flyers. Weekdays 8:00 – 7:00 pm and Saturday from 8:00 – 3:00. He has no employees and is the only one who works on the site. He lives nearby and walks to his office but uses a pickup truck to transport his materials. He moved in about a year and eight months ago. The condition of the property was a mess with debris, weeds and old tires. He cleaned up the area and trash is now neatly kept in barrels in the alleyway. Mr. Mendoza takes out the trash on his own. Most signs are made in Union City and finished in the Bayonne location. The rear yard was only used for a barbecue. He described the business as a light fabrication, manufacturing and assembly use. Deliveries occur once a week between the hours of 11:00 – 2:00. A minivan is used for delivery and they park in the driveway or in the street but traffic is not blocked.

Board questions:

Commissioners Pineiro, Lombardi, Sisk and Adams and Chairman Urban questioned Mr. Mendoza. Ms. Apte questioned Mr. Mendoza.

Audience questions:

Thomas Solari of Eight West Grand Street questioned Mr. Mendoza.

Anne DeBrizzi of 15 West 48th Street also questioned Mr. Mendoza.

Witness #2:

Steve Kawalek, Architect, was sworn to provide expert testimony in support of the application. He testified that one story brick warehouse located on a slightly irregular lot in the R-2 Zone was previously used for storage by Vito Span. The applicant seeks a use variance for a sign business. There is a 25 foot existing depressed curb cut. The applicant is willing to repair any portion of the sidewalk that requires it. The owner also intends to paint the façade. One parking space is indicated on the site, which is inside the garage. Mr. Kawalek added that no street trees are existing or proposed.

Board questions:

Chairman Urban, Commissioner DiLullo, Adams, DeRos and DiLullo questioned Mr. Kawalek. Ms. Apte questioned Mr. Kawalek.

Audience questions:

Anne DeBrizzi called in to provide her comment. Chairman Urban advised her this is still question portion and she can call back with her comment.

Steve Antisz, of 179 West 1st Street, called in and questioned Mr. Kawalek. Tracey Tuohy, Zoning Officer, questioned Mr. Kawalek.

Closing remarks:

Mr. Weeks said that he would rely on the testimony given and would be willing to put the installation of a fence as one of the conditions of approval. He respectfully requested the Board approve this application

Caucus:

Chairman Urban and Commissioners DiLullo, Sisk and DeRos said they would be in favor of this application. Commissioners Lombardi and Pineiro discussed the issues this application has.

Motion:

Commissioner DiLullo made a motion to approve the application subject to any and all conditions spread across the record. Commissioner DeRos seconded the motion.

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Mark Urban	[X]	[]	[]	[]	[]
Clifford Adams	[]	[X]	[]	[]	[]
Louis Lombardi	[X]	[]	[]	[]	[]
Nicholas DiLullo	[X]	[]	[]	[]	[]
Arrigo DeRos, Jr.	[X]	[]	[]	[]	[]
Joseph Pineiro	[]	[X]	[]	[]	[]
Ehab Gamal	[X]	[]	[]	[]	[]
Cindi Sisk-Galvin	[]	[X]	[]	[]	[]
Ryan Blake	[]	[X]	[]	[]	[]

Public Hearing #3:

Z-21-003 – NL PROPERTIES, LLC – Site: 318 Avenue B in City Block 26, Lot 6

[The applicant is seeking a bulk variance for three stories in the R-2 District for the addition of dormers to the existing third floor of a two-family house.]

Peter Cecinini, Esq., attorney for the applicant, gave an overview of the application, offered her exhibits into evidence and called his first witness.

Witness:

Steve Kawalek, Architect, was sworn to provide expert testimony in support of the application. He summarized the application and the relief that the applicant is requesting.

Board questions:

Chairman Urban and Commissioners Lombardi and Gamal questioned Mr. Kawalek.

Closing remarks:

Mr. Cecinini, said that he would rely on the testimony given and respectfully requested the Board approve this application.

Caucus:

Chairman Urban said that he felt this project was a positive addition to the neighborhood and will vote in favor of this application. All commissioner concurred with Chairman Urban

Motion:

Commissioner Adams made a motion to approve the application subject to any and all conditions spread across the record. Commissioner Pineiro seconded the motion.

Adoption of Resolutions:

- **Z-20-014 – 187 BROADWAY, LLC – Site: 187 Broadway in City Block 318, Lot 18**
 - Commissioner Adams made a motion to adopt the resolution Commissioner Pineiro seconded the motion.

RECORDED VOTE:

<i>Commissioners</i>	<i>Aye</i>	<i>Nay</i>	<i>Abstain</i>	<i>Recuse</i>	<i>Absent</i>
Mark Urban	[X]	[]	[]	[]	[]
Clifford Adams	[X]	[]	[]	[]	[]
Louis Lombardi	[X]	[]	[]	[]	[]
Nicholas DiLullo	[X]	[]	[]	[]	[]
Arrigo DeRos, Jr.	[X]	[]	[]	[]	[]
Joseph Pineiro	[X]	[]	[]	[]	[]
Ehab Gamal	[X]	[]	[]	[]	[]
Cindi Sisk-Galvin	[]	[]	[]	[]	[]
Ryan Blake	[]	[]	[]	[]	[]

A motion was made to close the meeting at 9:37 p.m.

Susan Bischoff, Certified Shorthand Reporter, took a transcript of the meeting.

/akl